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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,318	11/17/2003	Kim C. Grooms	67,066-002	5089

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EXAMINER

TALBOT, MICHAEL

ART UNIT PAPER NUMBER

3722

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,318

Applicant(s)

GROOMES, KIM C.

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/11/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "said drill drive mechanism" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-7,9-12,14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hurt '724. Hurt '724 shows in Figures 1-3 a drill press assembly (10) comprising a rotating drill chuck having an opening to receive a drill bit and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (14,26) having a first member (14) and a second member (26) being received within the first member for elevating the drill chuck (col. 4, lines 44-49) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (16,18,20,21,22,23,24,25,36) comprising a lever (24) for creating an upward force to the drill chuck. Hurt '724 shows the stand/brace having a foot (12) pivotable relative to the stand (col. 4, lines 55-60). Hurt '724 shows a method of drilling comprising supporting the drill

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bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis (col. 4, lines 44-49 and col. 4, line 63 through col. 5, line 7).

Claims 1,2,4-7,9-12,14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock '110. Bullock '110 shows in Figures 1-5 a drill press assembly comprising a rotating drill chuck (12) having an opening to receive a drill bit (13) and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (31,32,33) having a first member (33) and a second member (32) being received within the first member for elevating the drill chuck (col. 2, lines 41-51) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (41-54) comprising a lever (54) for creating an upward force to the drill chuck. Bullock '110 shows the stand/brace having a foot (Fig. 5) pivotable relative to the stand (col. 2, line 51 through col. 3, line 10). Bullock '110 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis (col. 3, line 38 through col. 3, line 55).

Claims 1,2,4,5,7-12,14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 4028972. DE 4028972 shows in Figures 1-4 a drill press assembly comprising a pneumatic drill (8) having a chuck (18) having an opening to receive a drill bit (25) and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an

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extendable stand/brace (2,3) having a first member (2) and a second member (3) being received within the first member for elevating the drill chuck between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (5,6) comprising a lever (6) for creating an upward force to the drill chuck. DE 4028972 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis.

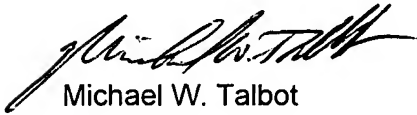
Claims 1-5,7,9-14,16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 07186136. JP 07186136 shows in Figure 1 a drill press assembly comprising a rotating drill chuck having an opening to receive a drill bit and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (1,2) having a first member (1) and a second member (2) being received within the first member for elevating the drill chuck (abstract) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (recesses and projections on 2, gear 3 and handle) comprising a rack (recesses and projections on 2), a pinion (3) and a lever for creating an upward force to the drill chuck. JP 07186136 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis (col. 4, lines 44-49 and col. 4, line 63 through col. 5, line 7).

Claims 1-5,7,9-14,16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lupear '509. Lupear '509 shows in Figures 1-4 a drill press assembly comprising a rotating drill chuck having an opening to receive a drill bit and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (16,26) having a first member (26) and a second member (16) being received within the first member (col. 2, lines 64-65) for elevating the drill chuck between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (32,34,36) comprising a rack (32), a pinion (34) and a lever (36) for creating an upward force to the drill chuck. Lupear '509 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis (col. 4, lines 44-49 and col. 4, line 63 through col. 5, line 7).

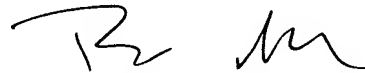
3. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Boyer D. Ashley, may be reached at 571-272-4502.

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In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



Michael W. Talbot
Examiner
Art Unit 3722
22 October 2005



BOYER D. ASHLEY
PRIMARY EXAMINER